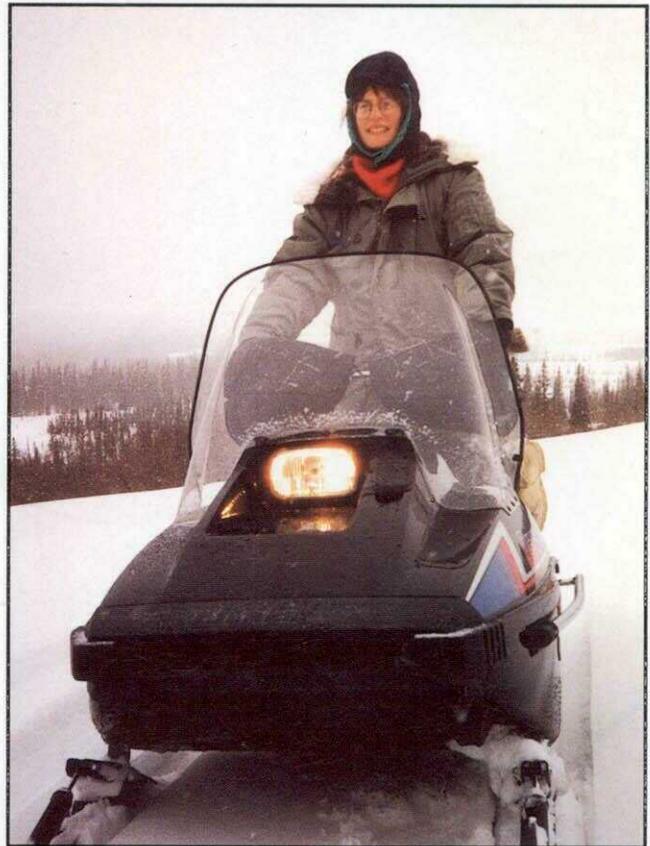


KENAI EASEMENT ATLAS



DECEMBER 1993

State of Alaska
Department of Natural Resources
Division of Land

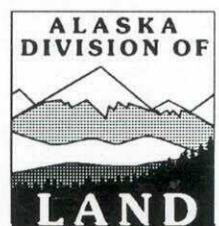


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ACKNOWLEDGEMENTS

The Kenai Easement Atlas project team would like to express our appreciation to the following agencies for their assistance in data acquisition and review of draft maps:

Kenai Fjords National Park, National Park Service, U.S. Department of Interior

Land Resources Division, National Park Service, U.S. Department of Interior

Kenai National Wildlife Refuge, Fish & Wildlife Service, U.S. Department of Interior

Division of Realty, Fish & Wildlife Service, U.S. Department of Interior

Chugach National Forest, Forest Service, U.S. Department of Agriculture.

Central Region - Planning, Alaska Department of Transportation and Public Facilities

South Central Regional Office, Division of Land, Alaska Department of Natural Resources

Habitat and Restoration Division, Alaska Department of Fish and Game

Kenai Area Office, Division of Parks and Outdoor Recreation, Alaska Department of Natural Resources

Policy and Planning Section, Division of Parks and Outdoor Recreation, Alaska Department of Natural Resources

Division of Land Management, Planning Department, Kenai Peninsula Borough

We would also like to express our appreciation to the following corporations for their help in determining land ownership and verification of easement information within their respective areas.

Cook Inlet Region, Inc.

Kenai Natives Association, Inc.

Ninilchik Native Association, Inc.

Salamatoff Native Association, Inc.

The Tyonek Native Corporation

Public meetings were conducted in Anchorage, Homer, Cooper Landing, Seward and Soldotna in October, 1991, as the initial step in preparation of this Atlas and we would like to express our appreciation to the many members of the public who came to the meetings and worked with us on the maps and documents developed on this project.

GLOSSARY

ADL easement: An easement granted by the Alaska Dept. of Natural Resources, Division of Land. Uses allowed on an ADL easement are those established by law and specified in the grant of easement (i.e., right-of-way permit).

ANCSA 17(b) public easement: A public access easement established under section 17(b) of the Alaska Native Claims Settlement Act.

BLM: U. S. Bureau of Land Management

BLM easement: An easement reserved by the federal Bureau of Land Management. Uses allowed on a BLM easement are those established by law and specified in conveyance documents.

DNR: Alaska Department of Natural Resources

Easement: An interest in land owned by another that entitles its holder to a specific limited use or enjoyment. Easements are reserved for specific purposes, typically trails, roads, campsites and airstrips. Easements are restricted in physical size and the use(s) allowed. The season and duration of use may also be restricted. Easements cannot be used for other purposes.

EIN easement: An easement established under section 17(b) of the Alaska Native Claims Settlement Act. Uses allowed on an EIN easement are those specified in the act and in conveyance documents.

FP easement: An easement dedicated by a plat filed with the State Recorder's office. Uses allowed on an FP easement are those established by law and specified on the plat.

Granted public right-of-way: A public access easement for which a permit has been issued by the Alaska Department of Natural Resources, Division of Land.

KPB: Kenai Peninsula Borough

KRSMA: Kenai River Special Management Area.

Legal public access: The right of passage, established by law, over another's property. Legal public access is created by an easement dedicated or reserved for public access. Legal public access exists on: 1) public land, 2) public waters, 3) navigable waters, 4) granted or dedicated (platted) public rights-of-way, 5) section line easements, 6) OMNIBUS roads, 7) ANCSA 17(b) public easements, and 8) R.S. 2477 rights-of-way.

LSH easement: An easement granted to the State of Alaska by a private property owner. Uses allowed on an LSH easement are those established by law and specified in the grant of easement.

NWR: National Wildlife Refuge.

Omnibus Road: A road that was conveyed to the State of Alaska by the quit claim deed dated June 3, 1959, executed under the authority of the Alaska Omnibus Act. Uses allowed on an Omnibus Road are those established by law for state highways.

Ordinary high water mark: The mark along the bank or shore of a waterbody where the presence and action of water is so common and usual, and so long continues in all ordinary years, as to leave a natural line impressed on the bank or shore. That line may be indicated by erosion, shelving, changes in soil character, destruction of terrestrial vegetation, or other distinctive physical characteristics.

Private land: Land owned by a corporation or individual.

Public land: Vacant, unappropriated federal or state land.

Glossary, *cont.*

R.S. 2477 right-of-way: A right-of-way granted under Revised Statute 2477, formerly codified as 43 USC 932, repealed Oct. 21, 1976. R.S. 2477 is an historic federal statute that granted rights-of-way over unreserved public land. These rights-of-way were established by public use or construction.

Range: In the government land-survey system, one of a series of survey lines that extend due north and south at six-mile intervals and which are numbered east or west from the principal meridian. These lines form the east and west boundaries of townships. Commonly abbreviated as "R" in land descriptions.

Right bank (or left bank): The bank of a stream or lake on the right (or left) hand of an observer positioned in or on the water body and facing down stream.

SRA: State Recreation Area

SRS: State Recreation Site

State certified R.S. 2477 right-of-way: A R.S. 2477 right-of-way certified under 11 AAC 51.010.

Township: In the government land-survey system, the area, or tract of land, between two township lines and two range lines. Commonly abbreviated as "T" in land descriptions.

Valid section line easement: An easement for a public highway granted under A.S. 19.10.010 which has not been vacated.

Winter use only: Use of the easement is limited to times when the easement is covered by adequate snow or ice to allow customary winter modes of travel without appreciable surface disturbance or damage.

INTRODUCTION

Extensive changes in land ownership and land management have occurred in Alaska over the past 20 years. Many areas previously open to general public use are now included in a federal conservation unit, state legislatively designated unit, or have been conveyed to a Native corporation or other private party. Public use of these areas may now be restricted or no longer available.

These recent changes in land ownership and management have resulted in a growing problem: the unauthorized use of land and resources. The purpose of this atlas is to aid both the public and the land owner or manager in dealing with this problem. Most unauthorized use has been inadvertent, resulting from a lack of readily available, easily understood land status information. This atlas provides current (date of publication) land ownership and public use information, including use restrictions.

This atlas is not a legal document. It is a representation of official state and federal land records. For complete information, refer to the official records of the Alaska Department of Natural Resources (DNR), the U.S. Bureau of Land Management (BLM), and the Kenai Peninsula Borough (KPB). Official land status records are available at DNR, BLM and KPB public information offices (these offices are listed in this atlas). You may need to contact all three offices to obtain a complete picture of the area you are interested in.

Except as provided for by a public access easement, private land is not open to public use without prior permission from the land owner. Use of private land, including travel across the land, without obtaining prior permission from the owner (or the owner's designated land manager), may legally constitute criminal trespass. Also, use of a public easement for an unauthorized purpose may legally constitute criminal trespass. It is the user's responsibility to know which land use restrictions apply.

Contact the appropriate land manager if you have questions concerning public use of an area. Obtain permission and any necessary permits in advance. A list of land managers and the land owner/land management agency each represents is included in this atlas. Private land may be identified on detailed land status maps available at DNR, BLM and KPB public information offices.

Cabins and tent camps used for trapping, fishing, hunting, mining, and other purposes are essential to the livelihood of many rural residents. The public should use someone else's cabin or camp only in a real emergency. A cabin or camp may appear abandoned but the owner(s) probably will return and will need everything in the cabin or camp during the coming season. Alaska's pioneers established the honorable tradition of respecting cabins and campsites. Please continue with this tradition.

HOW TO USE THIS ATLAS

This atlas tells who owns the land, who the land manager is, where public access easements are located, and the kinds of activities allowed on each easement. We recommend that readers who are unfamiliar with land management terminology review the Glossary before continuing.

■ Land Ownership

When using this atlas, remember that land ownership in Alaska may fall into one of four categories: land owned by the federal government, land owned by the state government, land owned by a borough or municipal government, and land owned by a corporation or individual. Based on ownership, land is commonly referred to as federal, state, borough, municipal, or private land.

Land owned by a government is usually managed by an agency of the government. Land owned by a Native corporation is usually managed by the corporation itself. An agency or corporation responsible for managing land typically designates an official "land manager" or contact person for purposes of dealing with the public on matters involving use of the land. This atlas lists agencies and corporations responsible for managing land and the land manager or contact person for each.

Not all private land is shown in this atlas. Be aware that land shown as borough or municipal land may contain smaller parcels of land that have been conveyed to a corporation or individual. Also be aware that homesteads (state and federal), open-to-entry parcels (state), remote parcels (state), Native allotments (federal), and trade and manufacturing sites (federal) may exist in any area (these types of parcels are typically less than 40 acres in size). Detailed land status maps that identify private land are available at the Department of Natural Resources, Bureau of Land Management, and Kenai Peninsula Borough public information offices (these offices are listed in this atlas).

■ Public Access Easements

State maintained roads and highways, and reserved public access easements are shown on maps in this atlas. Reserved easements included

in this atlas are primarily ANCSA 17(b), Omnibus Road, and rights-of-way granted by the state. No attempt was made to identify section line easements, R.S. 2477 rights-of-way, or public rights-of-way dedicated by a filed plat or recorded grant of easement in the local recorders office.

In this atlas, each easement has a written description giving its location and identifying any restrictions. Users must confine their passage to the easement and limit activities to those authorized for the easement. Be aware that easements are not always marked on the ground. When an easement is marked on the ground, the easement, as marked on the ground, must be used where there is a difference in location between that shown in this atlas and that marked on the ground.

For ANCSA 17(b) easements, the width and type designation (for example: "25-foot trail") is enclosed in parentheses at the end of the description. To determine the activities allowed on a 25-foot trail, look up the designation in the **Uses Allowed On ANCSA 17(b) Easements** section of the atlas. ANCSA 17(b) easements are identified on the maps in this atlas by the initials EIN.

Not all public access easements are shown in this atlas. The easements shown are those identified by a review of state status plats, federal master title plats, and ANCSA 17(b) easement maps. Within state, borough and municipal subdivisions, and other areas, dedicated public access not shown in this atlas may exist. To thoroughly research a specific area, review the official land records available at the DNR, BLM, and KPB public information offices.

Some access routes shown in this atlas have "gaps" that do not appear to be covered by a reserved easement. Where a gap occurs, a search of the applicable state status plat, federal master title plat, and ANCSA 17(b) easement map has revealed no reserved easement. Additional research might reveal a reserved easement.

Generally the most direct means of obtaining legal access where there is no reserved easement shown is simply to obtain permission from the land owner. Public access around or across a gap may also be gained by use of a section line easement, a R.S. 2477 right-of-way, use of public land, or use of navigable or public waters.

■ Section Line Easements

Alaska Attorney General Opinion No. 7 (1969) summarized the State's position on section line easements: Each surveyed section line in the state is subject to a section-line right-of-way for the construction of highways if: 1) It was owned by or acquired from the territory (or State) of Alaska at any time between April 6, 1923, and January 18, 1949, or at any time after March 26, 1951, or; 2) It was unreserved public land at any time between April 6, 1923, and January 18, 1949, or at any time after March 21, 1953.

Many section line easements in Alaska have been vacated and, therefore, no longer exist. Some research is clearly required to determine, for a specific section line, whether or not a valid easement exists. DNR public information office personnel are available to assist persons wishing to perform the required research. In some cases the answer may be readily available, in others the required research may be time consuming.

■ R.S. 2477 Routes

R.S. 2477 is a federal law passed in 1866 that granted states and territories rights-of-way over federal land wherever roads, trails, paths or other common routes existed. The law remained in effect until its repeal in 1976. Today, the State of Alaska has a program for nomination and assertion of R.S. 2477 rights-of-way. A \$100 application fee is required. For information on R.S. 2477 rights-of-way and how to file an application, contact the DNR public information office.

■ Establishing Rights-of-way by Prescription

In the absence of any reserved easement, or reasonable alternate access, and where established public use for a period of ten or more years has created a trail or road across private land, it may be possible to establish an easement by prescription (adverse possession). Prescription means the acquirement of the title or right to something through its continued use or possession over a long period. Alaska law provides for establishment of public rights-of-way by prescription.

■ Construction on Easements

Be aware that the existence of a public access easement does not mean that a trail, road or other improvement can be constructed on the easement. Before any construction can be undertaken, the land owner and easement holder must be consulted. Permission or additional right-of-way may be required by law.

■ Use of Navigable and Public Water

The people of Alaska have a constitutional right to use and have free access to navigable and public water. Navigable and public water includes inland or coastal, fresh or salt water forming a river, stream, lake, pond, slough, creek, bay, sound, estuary, inlet, straight, passage, sea or ocean or any other body of water or waterway. While the right to use and have free access to state waters is a strong constitutional guarantee it is subject to valid existing rights and restrictions or limitations imposed by state or federal law. The right to use public waters is irrespective of streambed ownership.

Private ownership of land bordering navigable or public waters does not grant the owner an exclusive right to use of the water. The public's right to use and have access to navigable and public waters, however, does not create any right or privilege to cross or enter private land. The boundary between public waters and private land is the ordinary high water mark.

■ Ownership of Land Under Navigable and Public Waters

In Alaska the state owns the land under a waterbody that has been determined to be navigable under federal law. The state claims ownership of the land under a waterbody that meets the federal criteria for navigability but has not yet been officially determined navigable and, in addition, claims ownership of the land under a waterbody determined by the state to be navigable on the basis of the hydrologic character of the waterbody.

The land under a non-navigable public waterbody is owned by the state if the waterbody is on state land. On private land the land under a non-navigable waterbody may belong to the private land owner or, ownership having been reserved at the time of conveyance, it may belong to the federal or state government.

USES ALLOWED ON ANCSA 17(b) EASEMENTS

25-Foot Trail: Uses allowed on a 25-foot wide trail easement are travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles (under 3,000 lbs. gross vehicle weight).

50-Foot Trail: Uses allowed on a 50-foot wide trail easement are travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles.

60-Foot Road: Uses allowed on a 60-foot wide road easement are travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small

and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One-Acre Site: Uses allowed on a one-acre site easement are vehicle parking (cars, trucks, snowmobiles, all-terrain vehicles, boats, aircraft), and temporary camping, loading or unloading. Temporary camping, loading, or unloading is limited to 24-hours.

Airstrip Site: The uses allowed on an airstrip site are aircraft landing, vehicle parking (i.e., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading is limited to 24-hours.

USES AND ACTIVITIES ALLOWED ON STATE LAND

For information on generally allowed uses and activities on state land that is not in any special management category or status, contact the Division of Land's Public Information Office listed in this atlas.

Be aware that within state and federal parks, game refuges and sanctuaries, critical habitat

areas, and "special use land" areas there are additional restrictions on uses and activities allowed on the land. Permits or special authorizations may be required in these areas.

Always contact the land manager for updated rules and regulations before conducting any activity.

FUNDING SOURCES FOR TRAIL PROJECTS

■ DNR Division of Parks & Outdoor Recreation

The Symms National Recreational Trails Act of 1991 provides \$30 million per year nationwide for recreational trails. Projects must come from trail plans included or referenced in Alaska's Statewide Comprehensive Outdoor Recreation Plan 1992-1996 (SCORP) prepared by DNR, Div. of Parks and Outdoor Recreation. For more information contact: Ron Crenshaw (DPOR Anchorage Office), 762-2613.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) provides funds for many kinds of transportation enhancement projects including mapping and marking of trails and easement acquisition and dedication. For more information contact: Tom Young (DPOR Anchorage Office) 762-2645

■ Alaska Department of Fish & Game

The Federal Aid in Sport Fish Restoration Act provides funds to states for fisheries research. A portion of these funds is available for recreational boating access and angler access projects. For more information contact: Tom Donek (DF&G Juneau Office) 465-4180 or Kevin Delaney (DF&G Anchorage Office) 267-2220.

■ National Park Service

The River and Trail Conservation Assistance program of the National Park Service provides funds for conservation projects. Funds may not be used for grants, land acquisition or development. For more information contact: Jack Mosby (NPS Anchorage Office), 257-2650.

PUBLIC INFORMATION OFFICES

Alaska Department of Natural Resources
Public Information Office
3601 C Street, Room 200
Anchorage, AK 99510-7005
(907) 762-2261, FAX 762-2236, TDD 762-2259

Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669
(907) 262-4441

Alaska Public Lands Information Center
605 W. 4th Avenue
Anchorage, Alaska 99501
(907) 271-2737

U.S. Bureau of Land Management
Alaska State Office - Public Room
222 W. 7th Avenue
Anchorage, AK 99513
(907) 271-5960

LAND MANAGEMENT AGENCIES

■ FEDERAL

Agency:

Contact Person:

National Park Service
Alaska Regional Office
2525 Gambell Street, Room 107
Anchorage, AK 99503-2892

Charles Gilbert
(907) 257-2584

U.S. Bureau of Land Management
Anchorage District Office
6881 Abbott Loop Road
Anchorage, AK 99507

Richard Vernimen
(907) 267-1248

U.S. Fish & Wildlife Service
Kenai National Wildlife Refuge
(formerly Kenai National Moose Range)
Headquarters Office, Ski Hill Road
Soldotna, AK
Mail: P.O. Box 2139,
Soldotna, AK 99669

Dan Doshier
(907) 262-7021

U.S. Fish & Wildlife Service
Alaska Maritime National Wildlife Refuge
Headquarters Office
2355 Kachemak Drive, #101
Homer, Ak 99603-8021

John Martin
235-6546

U.S. Forest Service
Chugach National Forest
3301 C Street, Ste. 300
Anchorage, AK 99503

Bruce VanZee
(907) 271-2500

■ STATE

Agency:

Contact Person:

Alaska Department of Fish & Game
Habitat & Restoration Division
333 Raspberry Road
Anchorage, AK 99518-1599

Lance Trasky
(907) 267-2284
FAX 349-1723

Alaska Department of Natural Resources
Division of Land
Mental Health Land Project
3601 C Street, Ste. 814
Anchorage, AK
Mail: P.O. Box 107005
Anchorage, AK 99510-7005

Jim Frechione
(907) 762-2692

Alaska Department of Natural Resources
Division of Land
Southcentral Regional Office
3601 C Street, Ste. 1080
Anchorage, AK
Mail: P.O. Box 107005
Anchorage, AK 99510-7005

Rick Thompson
(907) 762-2253

Alaska Department of Natural Resources
Division of Management
State Recorders Office
Anchorage Recording District
3601 C Street, Ste. 1140
Anchorage, AK 99503

James E. Davis
(907) 762-2441

Homer Recording District
195 E. Bunnell Ave., Ste. A
Homer, AK 99603

Elizabeth McBride
(907) 235-8136

Kenai Recording District
120 Trading Bay Road, # 230
Kenai, AK 99611

Catherine Morrison
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Alaska Department of Natural Resources
Division of Parks and Outdoor Recreation
Kenai Area Office, Mile 85 Sterling Highway
Mail: P.O. Box 1247
Soldotna, AK 99669

Chris Titus
(907) 262-5581

■ **STATE, cont.**

Agency:

Contact Person:

Alaska Department of Natural Resources
Division of Water

Title Navigability Project (Navigable Waters)
3601 C Street, Ste. 822
Anchorage, AK
Mail: P.O. Box 107005
Anchorage, AK 99510-7005

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Alaska Department of Transportation and
Public Facilities
Central Planning Division
4111 Aviation Drive
Anchorage, AK 99502
Mail: P.O. Box 196900
Anchorage, AK 99519-6900

Pat Beckley
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Alaska Energy Authority
701 E. Tudor Road
Anchorage, AK 99503
Mail: P.O. Box 190869
Anchorage, AK 99519

Tom Arminski
(907) 561-7877

■ **BOROUGH/MUNICIPAL**

Agency:

Contact Person:

Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669

Roy Dudley
John Mohorcich
(907) 262-4441

■ PRIVATE

Agency:

Contact Person:

Alaska Railroad Corporation
327 W. Ship Creek Avenue
Anchorage, AK
Mail: P. O. Box 107500
Anchorage, Ak 99510-7500

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(907) 265-2465

Chickaloon-Moose Creek Native Assoc., Inc.
Star Route 3, Box 8342
Palmer, AK 99645-8342

Gary Harrison
(907) 745-7184

Chugach Alaska Corporation
560 E. 34th Ave., Ste. 200
Anchorage, AK 99503

Mark Stahl
(907) 563-8866

Cook Inlet Region, Inc.
P.O. Box 93330
Anchorage, AK 99509-3330

Mike Franger
(907) 274-8638

Kenai Native Association, Inc.
215 Fidalgo, Ste. 203
Kenai, AK 99611

Willa Konte
(907) 283-4851

Knikatnu, Inc.
P.O. Box 872130
Wasilla, AK 99687-2130

Paul Theodore
(907) 376-2845

Ninilchik Native Association, Inc.
703 W. Tudor, Ste. 101
Anchorage, AK 99503

Mec Martin
(907) 563-9900

Point Possession Corporation
1321 Oxford Dr.
Anchorage, AK 99503

Feodoria Pennington
(907) 563-2949

Salamatoff Native Corporation
P.O. Box 2682
Kenai, AK 99611

Ralph "Andy" Johnson
(907) 283-7864

■ PRIVATE, *cont.*

Agency:

Contact Person:

Seldovia Native Association, Inc.
P.O. Drawer L
Seldovia, AK 99663

Fred Elvsaaas
(907) 234-7625

The English Bay Corporation
1637 Stanton Ave.
Anchorage, AK 99508

Don Emmal
(907) 562-4703

The Port Graham Corporation
Port Graham via
Homer, AK 99603

Pat Norman
(907) 284-2212

The Tyonek Native Corporation
1689 C Street, Ste. 219
Anchorage, AK 99501-5131

Tom Harris
(907) 272-0707

University of Alaska
Office of Statewide Land Management
2221 E. Northern Lights Blvd., Ste. 213
Anchorage, AK 99508

Marty Epstein
(907) 272-5380

ABOUT THE MAPS

■ Organization

Maps are arranged alphabetically.

■ Scale

Most maps in this atlas cover the area of one USGS 1:63,360 (one inch equals one mile) quadrangle map. These single-quadrangle maps have been reduced in size by 50% making the scale 1:126,720 or one inch equals two miles. In some areas, several inch-to-the-mile quadrangle maps have been combined to form a single atlas map - - on these maps one inch equals more than two miles.

■ Land Status

Land status has been reduced to five colors. Federal land is green. State land is blue. Borough and municipal land are purple. Native land (ANCSA corporations) is pink. Private land is yellow. Private land includes University of Alaska, Alaska Railroad, Mental Health, and Native Allotment land.

■ Identification of Native Corporations

Ownership of Native land is indicated on the maps by the initials listed below. The initials appear in red within each parcel of land 60 acres or greater in size owned by the corporation. These initials are not listed in the map legend.

Key to ANCSA corporations on maps:

| | |
|----|---|
| CA | Chugach Alaska Corporation |
| CI | Cook Inlet Region, Inc. |
| CM | Chickaloon/Moose Creek Native Association, Inc. |
| EB | The English Bay Corporation |
| KN | Kenai Native Association, Inc. |
| KU | Knikatu, Inc. |
| NI | Ninilchik Native Association, Inc. |
| PG | Port Graham Corporation |
| PP | Point Possession, Inc. |
| SA | Salamatoff Native Association, Inc. |
| SN | Seldovia Native Association, Inc. |
| TY | Tyonek Native Corporation |